REMARKS

The Examiner has objected to the drawings. Such objection is deemed overcome by virtue of the drawing corrections submitted herewith.

The Examiner has rejected Claims 1-7, 10, 15-18, 20, 24-31, 34, 39-42, 44, and 50 under 35 U.S.C. 102(e) as being anticipated by Muttik, U.S. Patent No. 6,775,780. This rejection is deemed moot in view of the amendments made hereinabove. Specifically, the subject matter of Claims 8, 11-12 et al. has been substantially incorporated into each of the independent claims.

The Examiner has rejected the subject matter of Claims 8, 11-12 et al. under 35 U.S.C. 103(a) as being unpatentable over Muttik, U.S. Patent No. 6,775,780, in view of Jordan, U.S. Patent Application Publication No. 2002/0073323. Applicant again respectfully disagrees with this rejection.

Specifically, the Examiner relies on Jordan to meet applicant's claimed "wherein the opened share mode indicates a file structure parameter and a name parameter" (see subject matter of former Claim 8 et al., now incorporated into each of the independent claims). The Examiner cites the following excerpt from Jordan, and asserts that "Jordan discloses a virus detection system similar to that of Muttik's in which the computer determines in virtual space whether the applications exhibit malicious behavior based on whether they attempt to access privileged resources on a computer."

> "[0008] The disclosure provides a method of detecting a computer virus that attempts to gain access to restricted computer system resources. The method includes, in accordance with one embodiment, emulating computer executable code in a subject file, and monitoring the emulation of the computer executable code and monitoring modification of memory state by the emulated code execution, to detect an attempt by the emulated code to access one or more of the restricted computer system resources."

Whether or not the Examiner's statement is true, the foregoing excerpt from Jordan (as well as the remaining Jordan reference, for that matter) fails to even suggest a mode that specifically indicates a file structure parameter and a name parameter, as claimed. Jordan merely mentions "files" in the context of emulating such files, not running a computer in an opened share mode, wherein the opened share mode indicates a file structure parameter and a name parameter, as claimed.

Further, the Examiner again relies on Jordan to meet applicant's claimed "wherein the opened share mode applies only to a predetermined list of application programs executable on the computer" (see at least a portion of such subject matter of former Claim 11 et al., now incorporated into each of the independent claims). The Examiner cites the foregoing excerpt from Jordan, and asserts that "Jordan teaches a virus detection system similar to Muttik's in which virus detection and protection is implemented to allow a user to access resources that aren't protected and block access to resources that are protected."

Again, whether or not the Examiner's statement is true, the foregoing excerpt from Jordan (as well as the remaining Jordan reference, for that matter) fails to even suggest an "opened share mode" that specifically applies only to a predetermined list of application programs and/or data, as claimed. Jordan merely suggests "restricted resources," and thus *teaches away* from any sort of "opened share mode," let alone such a mode that allows access to a predetermined list of application programs and/or data.

With respect to the subject matter of former Claim 12 et al., now incorporated into each of the independent claims, the Examiner merely points to the rules 210 of Figure 2 from Muttik, as a sole citation supporting a rejection of such claimed subject matter. In response, applicant has carefully reviewed such excerpt as well as the remaining Jordan and Muttik references, and there is simply not even a suggestion of any sort of "opened share mode" that specifically applies only to a predetermined list of application programs and/or data that is manually selected, as claimed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art reference fails to teach or suggest all the claim limitations. Despite the aforementioned paramount differences, applicant now teaches and claims "monitoring attempts to access the computer by applications utilizing the network, using the file structure and name parameter" (emphasis added).

To this end, all of the pending independent claims are deemed allowable, along with any dependent claims depending therefrom. A notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

It is further noted that the Examiner's rejection of applicant's dependent claims is replete with deficiencies. Just by way of example, the Examiner relies on the following excerpt from Muttik to make a prior art showing of applicant's claimed, "wherein the computer operates in the virtual opened share mode by modifying an application program interface" (see Claim 5 et al.).

> "During the emulation process, the system records system calls (API calls) generated by code 108 (step 306). The system also emulates the execution of the system calls to the extent necessary to accurately predict the execution path through code 108 (step 308). Next, comparison unit 204 applies comparison rules 210 in order to compare the record of system calls against

> profiles of system calls generated by known malicious code (step 310). Recall, that this comparison process can take place on-the-fly as the system calls are generated, or alternatively, off-line, after a number of system calls a generated." (col. 4, lines 32-41)

Applicant respectfully disagrees with this assertion. Muttik merely monitors the execution of API calls for emulation purposes. This, in no way, meets applicant's claimed virtual opened share mode that is provided by modifying an application program interface.

Still yet, the Examiner simply dismisses the following claimed feature as being obvious "wherein the opened share mode indicates a plurality of parameters that are randomly selected to prevent detection" (see Claim 9 et al.). Applicant respectfully disagrees. By randomly selecting such parameters, writers of malicious code can not easily identify certain parameters as being associated with the security measures set forth herein. For these reasons, applicant asserts that such feature would not be obvious.

Even still, it appears that various other claims (e.g. Claims 6, 7, 48, et al., for example) have been dismissed as being well known without a specific prior art showing. In response, applicant again points out the remarks above that clearly show the manner in which some of such claims further distinguish the prior art. Applicant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

> "If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art reference fails to teach or suggest all the claim limitations. A notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings the Examiner's attention to the following subject matter in the added dependent claims, for full consideration:

"wherein the file structure includes a tree structure" (see Claim 53);

"wherein the computer is run in an actual opened share mode and a virtual opened share mode such that the at least one of application programs and data is accessible in the actual opened share mode, and attempted access to the at least one of application programs and data associated with the virtual opened shared mode prompts a security process" (see Claim 54); and

"wherein the security process includes temporarily logging off the network, recording in a record information on any attempt to modify the computer including time and source information, logging the computer back on the network in a mode other than the actual opened share mode, transmitting the information to a third party, determining whether a trend is found indicative of a coordinated attack, and sending an alert and logging a culpable computer off the network based on the determination" (see Claim 55).

Again, a notice of allowance or a specific prior art showing of each of the foregoing limitations, in combination with the remaining claim elements, is respectfully requested.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. Applicants are enclosing a check to pay for the added claims. The Commissioner is authorized to charge

any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P019).

Respectfully submitted,
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